IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITIION NO. 1870 OF 2006

Shrikant Jethalal Mehta .. Petitioner.

vs.

The State of Maharashtra

& Ors. .. Respondents.

Shri Piyush Shah for petitioner.

Smt. U. V. Kejriwal, APP for Respondents.

CORAM : J.N. PATEL, AND

SMT. ROSHAN DALVI, JJ.

DATE : 4th October, 2006.

P.C.

. The petitioner has approached this Court seeking a writ of mandamus in the form of an order directing the respondents to raise attachment levied by the Special Court on the petitioner's immovable property described in prayer clause (a) and is seeking permission to allow him to sell the said property by private treaty.

2. The reliefs sought for by the petitioner in this case can be sought before the appropriate forum which has ordered the attachment of the property.

In so far as the grievance of the petitioner that he has also been prosecuted for having committed offence under section 138 of the Negotiable Instruments Act is concerned, that is a distinct case based on a different cause of action. In case the petitioner is able to satisfy the claims of the respondents then there is no reason why the respondents will not withdraw the complaint filed under section 138 of the Negotiable Instruments Act against the petitioner and, therefore, we are not inclined to interfere in the matter. The petitioner has alternative remedy which he can avail. The petition is dismissed.

(J.N. Patel, J.)

(Smt. Roshan Dalvi, J.)